

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

November 15, 2001

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, November 15, 2001 at 6:00 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Jerry Michaelis, Chair; Ron Marnell; Kerry Coulter (late arrival); Bill Johnson (late arrival); Ray Warren (late arrival); Don Anderson; Frank Garofalo; James Barfield (late arrival); Elizabeth Bishop; Bud Hentzen; John W. McKay, Jr.; David Wells; and Harold Warner. Dorman Blake was not present. Staff members present were Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Jess McNeely, Associate Planner; David Barber Chief Planner in Land Use; Jamsheed Mehta Chief Planner in Transportation; Donna Goltry Principal Planner; Lisa Estrada, Recording Secretary.

1. **PUD2001-00002** — Starr Holdings, LLC c/o Steven R. Barrett (Owner/Applicant); Baughman Company, PA c/o Russ Ewy (Agent) request the development of a PUD redevelopment for mixed office and commercial uses described as:

Tracts of land lying in the Northwest Quarter of Section 23, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as follows: Lots 5-10, 12, 20 and 27, Howard's Addition to College Hill Addition in Sedgwick County, Kansas, except that part platted as First General Addition, Wichita, Sedgwick County, Kansas; together with Lot 1, First General Addition, Wichita, Sedgwick County, Kansas; together with Lots 1, 3, 5 and 7 on Hillside Avenue, Lots 2, 4, 6 and 8 on Holyoke Avenue (now vacated), and Lots 1, 3, 5, 7, 9 & 11 on Holyoke (now vacated) all in Floral Second Addition to Wichita, Kansas, Sedgwick County, Kansas; together with Lot 1 on Hillside Avenue, Lot 2, on Holyoke Avenue (formerly Floral Place), Lot 1 on Holyoke Avenue (formerly Floral Place), and Lot 2 on Rutan Avenue, all in Floral Addition to Wichita, Kansas, Sedgwick County, Kansas; together with that part of vacated Frances Avenue located between Hillside and Rutan (formerly Park Avenue); together with that part of vacated Holyoke Avenue located between vacated Frances Avenue and Third Street (formerly Howard Street); together with that part of Holyoke Avenue located between Third Street (formerly Howard Street) and a point 50 feet South of the South line of Third Street (formerly Howard Street); together with that part of Third Street (formerly Howard Street) located between Hillside and Rutan (formerly Park Avenue). Generally located on the southeast corner of Hillside and Central.

BACKGROUND: The applicant requests a zone change from "GC" General Commercial, "LC" Limited Commercial, "GO" General Office, "B" Multi-Family, and "TF-3" Two-Family to the Planned Unit Development (PUD) District on a 7.6 acre tract located at the southeast corner of Central and Hillside. The PUD District is a special purpose zoning district that is intended to encourage innovative land planning and design by allowing development to take advantage of special mixtures of land uses and by allowing minor deviations from zoning standards if not contrary to the general spirit and intent of the zoning code.

The northern half of the subject property is currently developed with a multi-story office/retail complex. The southern half of the subject property is developed with a parking area for the office/retail complex. The southern half of the subject property contains an open drainage ditch, which the applicant proposes to enclose in an underground storm sewer, and the right-of-way for 3rd Street North, which the applicant proposes to vacate.

As described in an attached letter dated November 1, 2001, the applicant proposes to redevelop the subject property with mixed office and commercial uses that are likely to include a Walgreen's drug store, a retail center, a day care center, a bank, and a hotel. The letter indicates that the intention is to redevelop the entire site by demolishing the existing office tower. The letter also indicates that the developer would like to maintain the flexibility of redeveloping portions of the site while maintaining the existing office tower; however, the existing office tower is inconsistent with the proposed provisions of Parcel 2A that would permit only 21,000 square feet of floor area while the existing office tower contains approximately 110,000 square feet.

The proposed PUD consists of five parcels. Parcel 1 (1.34 acres) is proposed for all uses permitted by right in the "LC" Limited Commercial district. Parcel 2A (0.94 acres) and Parcel 2B (0.88 acres) are proposed for office; retail; restaurants; hotel or motel; hospital; medical service; personal care and improvement service; bank or financial institution; ATM; and day care. Parcel 3 (2.12 acres) would allow the same uses as Parcel 2 except day care. Parcel 4 (2.32 acres) would allow office, accessory parking, medical service and day care.

The PUD proposes two points of access on Central, two points of access on Hillside, and one point of access on Rutan. The northern-most access drive along Hillside is shown as right-in/right-out only; however, this drive will be allowed full turning movements until the southern-most access drive on Hillside is opened. The access points along Central will be limited to right-in/right-out by an existing median.

Free-standing signage is proposed to be monument type with the same architectural base and forms and limited to 10 feet in height, except for one project identification sign that may be 20 feet in height. Parcel 1 is proposed to have a 100 square foot monument sign at the corner of Central and Hillside or one 64 square foot monument sign per street frontage. Parcel 2A and 2B each are proposed to have a 75 square foot monument sign. Parcel 3 is proposed to have three 48 square foot monument signs. Parcel 4 is proposed to have a 48 square foot monument sign. Signs are proposed to be spaced a minimum of 100 feet apart. Signage for Parcel 4 is permitted to be located on Parcel 2. Building signage is prohibited from the south and east elevations on Parcels 3 and 4 and is proposed to be designed with individuals letters averaging no more than 24 inches in height and mounted directly to the building face.

Landscaping is proposed to be per the Landscape Code, with the exception that a minimum of 100 trees (exceeds of Landscape Code requirements) are proposed for the subject property and each parcel is proposed to use a similar palette of plant materials. A six-foot high masonry screening wall is proposed along south property line. Uniform architecture and lighting elements are proposed for all parcels. Cross-lot vehicular circulation and a pedestrian walk system are proposed.

The surrounding area is characterized by a mixture of uses with the Wesley Medical Center being the predominate feature in the area. The properties north of the site are zoned "GO" General Office, "B" Multi-Family, and "LC" Limited Commercial and are developed with the Wesley Medical Center and the Wesley Motor Hotel. The properties east of the site are zoned "LC" Limited Commercial, "GO" General Office, and "TF-3" Two-Family and are developed with an Intrust Bank and single-family residences. The properties south of the site are zoned "GO" General Office and "TF-3" Two-Family and are developed with offices along Hillside and single-family residences along Rutan and Holyoke. The properties west of the site are zoned "GC" General Commercial and "B" Multi-Family and are developed with drive-thru restaurants, offices, and apartments.

CASE HISTORY: The subject property has a lengthy case history involving cases too numerous to list in detail in this report. The property is comprised of portions of several plats, with several of the platted lots subsequently being split. Much of the right-of-way within the site has been vacated. Several zone changes have been approved for the subject property, as have variances pertaining to signage, setbacks, and parking.

ADJACENT ZONING AND LAND USE:

NORTH:	"GO", "B", & "LC" Wesley Medical Center, Wesley Motor Hotel
SOUTH:	"GO" & "TF-3" Offices, single-family residences
EAST:	"LC", "GO", & "TF-3" Intrust Bank, single-family residences
WEST:	"GC" & "B" Drive-thru restaurants, apartments

PUBLIC SERVICES: The site has access to Central, Hillside, Rutan, 3rd Street North, and Holyoke. Central and Hillside are five-lane arterials with current traffic volumes of approximately 22,000 and 20,000 vehicles per day, respectively. The 2030 Transportation Plan estimates that traffic volumes on Central and Hillside will increase to approximately 24,000 and 26,000 vehicles per day, respectively. Rutan, 3rd Street North, and Holyoke are local streets. A one-day traffic count on Rutan taken on September 18, 2001 indicates that the traffic volumes on Rutan are approximately 1,200 vehicles per day at Central and 1,900 vehicles per day at 3rd Street North. The applicant proposes one access point along Rutan. The applicant also proposes to vacate the 3rd Street North right-of-way and to provide a "hammerhead" for Holyoke where it currently intersects with 3rd Street North. The 2001-2010 Capital Improvement Program for the City of Wichita has a project to reconstruct the Central and Hillside intersection in 2002 to include both a left-turn and a right-turn lane along the subject property's Central and Hillside frontages. The applicant proposes to determine guarantees for other street improvements at the time of platting. Planning staff agrees with this approach and will be seeking, at a minimum, widening of Rutan at Central to allow for a left turn lane, plus the termination of Holyoke.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide indicates that the subject property is appropriate for "Commercial" development. The Commercial Locational Guidelines indicate that commercial sites should be located adjacent to arterial streets and should have site design features that limit noise, lighting, and other aspects of commercial activity that may adversely impact surrounding residential land uses. The Commercial Locational Guidelines also indicate that commercially-generated traffic should not feed directly onto local residential streets.

RECOMMENDATION: Because of its location across from a major employer, at a high volume intersection, and near stable neighborhoods, planning staff believes that an "urban village" design concept (see attached) in which the uses are planned as a whole, rather than treated as five independent parcels, as a high-density, mixed-use development would be more appropriate than the suburban-style development proposed by the applicant. However, the applicant is not willing to explore this concept; therefore, planning staff finds that redevelopment of the site for office and commercial uses is appropriate. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year and subject to the following conditions:

1. The maximum floor area of Parcel 2A shall be increased to match the floor area of the existing office tower (approximately 110,000 square feet) and shall indicate that the maximum floor area of Parcel 2A shall be reduced to 21,000 square feet upon the demolition of the existing office tower. General Provision #2 also shall be modified to reflect this change.
2. Parcel 2A shall be modified to add the following: Parking for the existing office tower shall be provided only for occupied square footage per the off-street parking schedule of the Unified Zoning Code. An occupancy/parking study establishing occupied floor area and the location of corresponding parking spaces shall be submitted prior to the publication of the ordinance establishing the PUD district. The occupancy/parking study shall be modified accordingly prior to issuance of occupancy permits for the existing office tower. Upon the demolition of the existing office tower, parking shall be provided in accordance with Article IV of the Unified Zoning Code.
3. If the existing office tower is not demolished by April 1, 2003, the exterior of the existing office tower and the grounds of Parcel 2A shall be remodeled to be consistent with General Provisions #7, #10, #11, #12, #15, #16, and #24.
4. The east-west drive along the south edge of Parcel 2 and the north edge of Parcel 3 and the east-west drive along the south edge of Parcel 3 shall be designed with no direct access to parking spaces. The north-south drive along the east edge of Parcel 3 shall be designed with no direct access to parking spaces unless the drive aisle is at least 32 feet wide. The east-west drive along the south edge of Parcel 2 shall exit onto Rutan directly across from the southern entrance to Intrust Bank.
5. The sidewalk along the south edge of Parcel 4 shall be removed, and the screening wall at Holyoke shall be designed with an opening to allow pedestrian access.

6. Site plans and building elevations for all parcels shall be submitted and approved by the Planning Director prior to the issuance of building permits.
7. The applicant shall submit 4 revised copies of the PUD to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by a mixture of uses with the Wesley Medical Center being the predominate feature in the area. The surrounding area contains commercial and office zoning and uses. The proposed development is consistent with the mixture of zoning and uses in the area as well as the character of development at the corner of Central and Hillside.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is currently developed with office and retail uses. The proposed redevelopment of the site could not be accomplished in the logical pattern proposed without rezoning. Were the site to be developed in conformance with the site's existing zoning, an unsightly, cluttered development would result.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The recommended conditions of approval regarding signage, landscaping, screening, architectural character, access, site circulation, and limited uses should limit most detrimental affects on nearby properties. Traffic on Rutan, which has homes across the street facing the site and to the south, will increase moderately, but traffic volumes are already well above the level of most residential streets today, and Rutan has functioned as a neighborhood "collector" street for many years, due to many factors, including neighborhood services and institutional uses that are conveniently served by this street.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita Land Use Guide indicates that the subject property is appropriate for "Commercial" development. The Commercial Locational Guidelines indicate that commercial sites should be located adjacent to arterial streets and should have site design features that limit noise, lighting, and other aspects of commercial activity that may adversely impact surrounding residential land uses. The proposed development is located along two arterial streets and has site design features to limit adverse impacts on surrounding residential land uses. The Commercial Locational Guidelines also indicate that commercially-generated traffic should not feed directly onto local residential streets. While the proposed development contains an access drive along a local residential street, this access drive is existing and was installed at a time when development was based on a grid pattern and commercial access to side streets was common. Changing the development pattern in this area to prohibit access to Rutan would lead to serious congestion at the Central and Hillside intersection. Even more serious congestion would result if Rutan was closed to all through traffic.
5. Impact of the proposed development on community facilities: Impacts on community facilities shall be addressed through guarantees for street and drainage improvements at the time of platting. The proposed development will add somewhat to the traffic on Central and Hillside, but all intersections should function adequately after the planned street improvements are in place. A pedestrian-activated signal on Central west of Rutan for hotel guests to walk to and from Wesley will interfere somewhat with traffic during the peak hour, but should not be a significant problem if deemed necessary.

JESS MCNEELY, Planning Staff, presented the staff report, including several additional changes on which staff and applicant had come to agreement: Recommendation for condition number 4 will specify a 30-foot wide north-south drive, and not a 32 foot wide drive. Also within condition number 4, the sentence "The eastwest drive along the south edge of Parcel 2 shall exit onto Rutan directly across from the southern entrance to Intrust Bank" is deleted from the staff report. Changes to the PUD document are as follows. In General Provision number 16, "White stone trim, and red tile roof accents" is changed to "white stone or similar material trim, and red tile or similar material roofs or roof accents."

GAROFALO asked about changes to Condition Number 4 relating to width of a drive.

MCNEELY explained that the drive could be 30 feet wide instead of 32 feet.

GAROFALO asked about the prohibition on parking on the drive.

MICHAELIS asked where the concept plans (depicting an urban village) contained in the staff report came from.

MCNEELY stated staff provided those as a way to encourage the application to reflect more of an urban village design.

PHIL MEYER, agent, indicated agreement with staff comments as outlined.

BILL LOWER, neighbor, indicated he owns property on Holyoke and was concerned with the termination of Holyoke with a hammerhead. He felt the hammerhead would eliminate fire service down Holyoke. He was also concerned with the proposed wall along the south property line of the application area. He felt that some people might use the hammerhead to park in to visit the commercial area.

KIM HAMLIN, representing Sleepy Hollow, spoke in favor.

KARIN RIEGER, business owner, noted that this was a redevelopment area with Tax Increment Financing (TIF). She stated she felt her property had been dragged into this somewhat sneaky and peculiar way of financing this project. What benefit would she have from this project? She asked the question that if the project can work on its own, why should her taxes be increased?

DONNA GOLTRY College Hill resident, stated that she was excited to see the project, but would like to see a more creative design and is concerned that the creek is being enclosed with public financing and she would like the drainage solution to be redesigned.

MEYER, in rebuttal, indicated they planned to close Third Street, forcing the closure of Holyoke. He noted, that even with the hammerhead, there is enough room for fire service along Holyoke. They have also agreed to provide pedestrian access between the project and the neighborhood. He indicated this application stands alone from the TIF proposal and the TIF should not be part of today's discussions.

MEYER stated they will not be able to make the project work if they don't enclose the drainage ditch. They would like the Commission's support.

BISHOP asked how drainage would be handled?

BARFIELD asked how far south of Third Street did they own?

BARFIELD also asked if the applicant has met with the Fire Department?

HENTZEN asked about why the property west of Hillside was included in the TIF?

MEYER stated he could not specifically answer questions regarding the TIF.

KROUT Planning Director, stated that this application stands alone from the issue of the TIF district. He further noted that the Commission would have to review any TIF district proposals. The creation of a TIF does not automatically raise taxes. It depends on the success of the project. Any raised taxes are re-invested into the TIF area.

KROUT noted that the Commission is scheduled to hear the TIF on December 6.

ALLEN BELL, Director of Economic Development staff, stated it was his intention to bring the TIF proposal to the Commission on December 6 and would have more detail then. Adjacent property values may go up, but that is the appraisers' call; the mere existence of a TIF does not automatically increase taxes.

HENTZEN indicated that only the revenue from any increased value is used in the TIF district.

HENTZEN asked how long can a TIF last?

BELL stated that it has a specified time frame to pay off the bonds.

BARFIELD asked if redevelopment was to occur on the east side of Hillside?

BELL said yes.

ANDERSON asked Bell for the boundary of the TIF district.

BELL showed the boundary on the slide of the area map. He noted that Wesley would be participating in the TIF district.

ANDERSON asked why they went west of Lorraine?

BELL noted that there were older areas that could be re-developed.

ANDERSON asked if citizens could comment on the TIF?

Motion: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **HENTZEN** seconded the motion, and it carried unanimously (13-0).

2. **CON2001-00056** – Webb Road Development (Johnny Steven); Community Solutions (Bridgette Franklin) request a Conditional Use to permit a Day Reporting Center, on property described as:

BEG. at a point 50 ft. South and 1,531 ft. east of the northeast corner of the Northeast 1/4 of Section 9, Township 27, Range 1 East, of the 6th P.M.; Southeasterly 295 ft., East 110 ft., North 270 ft. to a point that is 126 ft. West of the Union Pacific R/R ROW, Thence West 210 feet to the point of beginning, Wichita, Sedgwick County, Kansas. Generally located south of 21st Street, east of Broadway 3/8 mile.

BACKGROUND: The applicant is seeking a Conditional Use to permit a “day reporting center” (DRC). “Day reporting centers” are defined by the Unified Zoning Code as “a facility that provides non-residential community supervision services to individuals or offenders who are under supervision of a court and any of whom are required to report to the facility for or more days per week six or more hours per day.” The applicant indicates that clients who are to report to this facility will be provided supervision, counseling and life-skill training in a highly structured and supervised setting.

The application area is located approximately 3/8 of a mile east of Broadway, south of 21st Street. The site is un-platted, is approximately one acre in size and is zoned “GI” General Industrial. The existing office building located on the site is to be removed, and a 9,940 square foot building is to be placed near the front of the application area. Parking spaces are to be provided in front of the new building and in the rear. The DRC is designed to process 120 clients.

The need for this facility is a result of the approval of 2000 Senate Bill 323 that requires Topeka, Kansas City, Kansas, and Wichita to provide community supervision services in lieu of the state building additional prison beds. These services are funded 90% by a federal grant. Community Solutions, Inc. has a five-year contract, renewable annually, to provide these required services in Wichita. Community Solutions, Inc. has previously attempted to locate a similar facility in the Twin Lakes Shopping Center and at another industrial tract located northeast of Ohio and 33rd Street. Twin Lakes is a traditional urban shopping center located at the intersection of two arterials with residential uses located nearby. That application was withdrawn due to community opposition. The 33rd and Ohio site was recently heard by the City Council and placed on deferral, due in part to neighborhood opposition. The applicant has evaluated at least 50 sites in an attempt to find one that would be acceptable to a larger segment of the community and meets site location standards. (Some of the location standards are listed below.) If the City actively works with the Secretary of Corrections to identify a suitable location, the Secretary is required to consider the views of the City and local residents before making the final site selection. Otherwise, the Secretary potentially has the authority to pick a location and order a “day reporting center” in without regard to local zoning (2001 Senate Bill 57, sec. 148). The Department of Corrections is attempting to work with the community to find an acceptable location.

The application area is part of a much larger area that is zoned “GI” General Industrial. Uses located near the site include: warehousing, car salvage, car sales and animal processing. In comparison to other sites evaluated, this location is not located near residences, schools, taverns, correctional placement facilities / day reporting centers, group homes or businesses which attract children.

The “GI” zoning district permits the most intensive land uses, and is the least restrictive zoning district, in the city’s zoning code. “Day Reporting Centers” require a Conditional Use in either the “LI” Limited Industrial or “GI” General Industrial districts. “DRC’s” are not permitted in any other zoning districts. The use is listed in the zoning code under the general land use heading of “Public and Civic.” Day reporting centers must also be in compliance with all federal, state and local regulatory requirements and if such facilities are not operated directly by a unit of government, they shall meet licensure requirements that further specify minimum service standards. Local licensing standards include a requirement to be located 1,200 feet from parks, schools, day care centers/facilities, businesses that cater to children, offices or group homes for the mentally disabled, residential districts, correctional placement facilities or day reporting centers.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: “GI” General Industrial; warehouse, vehicle salvage and car sales
SOUTH: “GI” General Industrial; railroad tracks
EAST: “GI” General Industrial; railroad tracks, warehouse
WEST: “GI” General Industrial; railroad tracks, car sales

PUBLIC SERVICES: Municipal water and sewer services are available. 21st Street is a 4-lane arterial street carrying between 14,000 and 15,000 average daily traffic.

CONFORMANCE TO PLANS/POLICIES: This area is covered by the Central Industrial Corridor Activity Area I Plan and is part of General Urban Renewal Plan adopted in 1972. The *Urban Renewal General Land Use Plan* depicts this site as appropriate for “heavy manufacturing.” *Urban Renewal Plan* language addressing this site is contained in the more specific Central Industrial Corridor – Activity Area I Disposition Supplement No. 3 which states that [I]and use shall be as indicated on the Land Use Plan Map. The land use shall be restricted to controlled industry and related uses. Residential uses are specifically excluded from the Project Area. The Wichita Land Use Guide” depicts this site as appropriate for “industrial” uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year and subject to the following conditions:

1. Development and maintenance of the site shall be in conformance with the approved site plan.
2. All applicable federal, state and local permits shall be obtained prior to commencing operations.
3. This Conditional Use permit shall be rendered null and void if the site is not operated or maintained in conformance with adopted conditions of approval.
4. This Conditional Use permit shall be rendered null and void if operations have not begun within one year of approval.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property surrounding the application area is covered by the *Central Industrial Corridor -Activity Area I Urban Renewal Plan*. In character, this area is clearly industrial with numerous railroad tracks serving area uses. All of the land in this vicinity is zoned "GI" General Industrial and is used for warehousing, vehicle salvage, vehicle sales, animal processing, shipping, recycling or similar industrial activity.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "GI" General Industrial which permits a wide variety of uses. The site is suitable for uses that are permitted "by-right" and could be so developed. However, since the Unified Zoning Code only permits DRC's in the "LI" or "GI" districts with a Conditional Use permit, most "LI" or "GI" zoned properties are potentially suitable for this type of request.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: All properties in the immediate area are zoned "GI" General Industrial. This district permits the most intensive uses, and is the least restrictive zoning district, found in the code. Existing land uses and those potential uses allowed "by-right" on property located near the application area have the potential to generate greater detrimental impacts with respect to noise, odor, vibration, smoke, heavy truck traffic and extended hours of operation than the requested use. The application is for a use that is essentially an office that is frequented by individuals needing community supervision, and therefore not easily located in most traditional office or commercial settings. The clients are highly supervised and the services provided are highly structured. When the requested use is compared to existing and permitted uses there should be few if any detrimental affects on nearby properties.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: With the passage of 2000 Senate Bill 323 DRC's have become a public necessity. Under current state law, these facilities have to be placed somewhere in the community. If this request is denied, the public will lose in terms of: failure to comply with state law, the potential to lose control over the process if the Secretary of Corrections selects a site and in efficiency and effectiveness of providing local citizens with these required services. Presumably, Community Services, Inc. provides a needed public service that is not being met otherwise. The applicant has previously attempted to locate this facility in a commercial setting, and in another industrial setting and has failed so far due to community opposition. At least 50 possible locations have been evaluated since the initial site was abandoned. This location has now been selected as meeting minimum standards. Community Services, Inc. will experience a significant financial hardship if this request is not successful in that it has a contract with the State to provide these state mandated services by April 2001. That date has already passed and they have already spent a significant amount of money in abandoning the original site.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Unified Zoning Code* considers Day Reporting Centers to be a "public and institutional" use. The current zoning code highly restricts the number of properties that can be considered for this use since it takes a Conditional Use in either "LI" or "GI" zoning. Potential sites are further limited by local licensing requirements which require these facilities to be located 1200 feet from parks, schools, day care centers/facilities, businesses that cater to children, offices or group homes for the mentally disabled, residential districts, correctional placement facilities or day reporting centers. The Central Industrial Corridor – Activity Area I area generally meets these location criteria. The Central Industrial Corridor – Activity Area I is part of General Urban Renewal Plan adopted in 1972. The *Urban Renewal General Land Use Plan* depicts this site as appropriate for "heavy manufacturing." *Urban Renewal Plan* language addressing this site contains language stating that "[l]and use shall be as indicated on the Land Use Plan Map. The land use shall be restricted to controlled industry and related uses. Residential uses are specifically excluded from the Project Area.

In this case, this use is only permitted in the "LI" or "GI" districts with a Conditional Use permit much like transfer stations, wrecking/salvage yard or asphalt/concrete plants; day reporting centers are classified by the Unified Zoning Code as a "public and institutional use;" the City and the State have licensing requirements that require separation from other similar uses, uses that cater to children, schools, etc. There are very few locations outside of the Bridgeport area that meet these location criteria. It has become more common to see office and institutional uses operating in industrial areas as "related uses." Finally, it is conceivable that clients of this facility could provide a convenient labor supply for nearby industrial uses. This proposal is consistent with adopted plans and policies.

6. Impact of the proposed development on community facilities: All necessary community facilities are in-place or can be conveniently extended. Traffic to this use could be somewhat higher than a typical heavy industrial area. 21st Street provides a direct link to I-135, and connects with Broadway that provides 4-lane arterial access to the center of the city where other support services exist or to I-235.

DALE MILLER, Planning staff, presented the staff report and reviewed the slides. District Advisory Board recommendations and concerns were also outlined.

GAROFALO inquired about the financing responsibilities associated with the project.

MILLER responded that the City does not own the property and would lease the ground.

WARREN asked if staff would support any of the changes requested by DAB.

MILLER responded that he would not change anything in the staff report.

TOM DOCKING, agent representing Community Solutions Incorporated, stated that this site meets statutory requirements and the developer is willing to lease the property.

DOCKING explained what Community Solutions Inc., a non-profit organization, does. He discussed a similar use in Topeka, and noted the fact that the Department of Corrections could site a facility in Wichita without regard to local zoning if they felt it necessary.

DOCKING noted he was in agreement with the staff report and recommendations.

BARFIELD asked if this was the original site to be considered, and if other sites were considered?

DOCKING discussed other sites that were considered.

BISHOP asked if the applicant desired to serve others than parole violators.

TERRY SEA, applicant, stated that providing that space was available, they could serve local community corrections as well.

Motion: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **BARFIELD** seconded the motion, and it carried unanimously (13-0).

3. **DR2001-10** – Public hearing to review the Wireless Communication Master Plan and adoption of the map of Visually/Environmentally Sensitive Locations for Wireless Communication Facilities.

DALE MILLER, Planning staff, presented the staff report noting that the Commission's Subcommittee and the full Commission had previously voted to approve motions that stated that they felt there were not any changes needed, except that the Commission should consider the approval of the "Environmentally Sensitive Map" called for in the approved master plan.

GREG FERRIS, agent representing Cricket Wireless, noted he supported the adoption of the map, and the subcommittee's recommendations.

HENTZEN asked about the purpose and descriptions contained on the Environmentally Sensitive Map.

MILLER responded that the map described areas that could be negatively affected if taller towers were located there.

BARFIELD asked if this applied to wireless internet service?

KROUT responded that it did.

MICHAELIS asked if there was a need for minimum spacing requirements between towers?

MILLER responded that depends on one's opinion as to whether it was advantageous to group towers together or to spread them out.

MICHAELIS spoke of the need for spacing requirements.

MILLER responded that the ability to separate towers would depend in part on the carrier's overall tower configuration and resulting overlaps or gaps in coverage.

MICHAELIS asked if that left it up to the carrier to dictate the location of towers?

JAMES ROSEBORO, interested citizen, asked for the number of concealed towers in existence now?

KROUT stated that the tax assessor's office is doing an inventory, but he wasn't aware of any currently in existence.

Motion: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **COULTER** seconded the motion, and it carried unanimously (13-0).

4. **DR2001-13** – Public hearing on proposed amendments to the Wichita-Sedgwick County Comprehensive Plan.

DAVE BARBER, Planning staff summarized the following amendments being considered by the MAPC: delete III.B.5 and III.B.6; revise commercial location guidelines 1, 5 and 6; add a new strategy I.C.2 which would require a 20 acre minimum lot size unless the lots were clustered or bundled; change the two Land Use Guide maps to reflect recent zoning decisions, modify the 2010 and 2030 urban growth area and urban service boundaries, add potential locations for the "green wedges;" and change to reflect adopted neighborhood plans.

NICK ARD, Maize Planning Commission member, expressed concern with the alignment of the proposed west side bypass and the lack of an interchange at Maize Road. He also expressed concern with the proposed urban service boundary expansion for Wichita shown east of Maize. He wanted developable areas to be evenly distributed throughout the county.

TERESA FOSTER, northeast area resident, indicated that she wants that area to be remembered when redevelopment funding is made available and she felt like the efforts they have made have been overlooked by the Wichita Eagle and others.

ROSEALEE BRADLEY, speaking on the proposed changes pertaining to used car lots (guideline #6) felt that more controls and regulations are need to locate these uses away from neighborhood servicing commercial areas. She wanted the current wording left as is or improved, not as proposed by the MAPC.

GEORGE PLATT, homeowner who lives in a condominium, supports strengthening the plan to reduce the consumption of land for urban uses. He would like language to discourage sprawl for reasons other than just the conservation of farm ground. Regarding car lots, he would like there to be a requirement that new car lots had to be located in new subdivisions and he would support an amendment to the subdivision regulations to require that a car lot be included in each new subdivision.

RAY RANCURET stated that there were too many car lots already. He invited people to visit the car lot in his neighborhood stating they do not dispose of oil properly. He would like stricter rules concerning car lots.

MICHAELIS closed the public hearing after noting that there were no other speakers wishing to address the subject.

MCKAY stated that he was concerned with changing the commercial guideline from "adjacent" to "near" arterials.

KROUT noted the revised language was supposed to avoid encouraging "strip" development, and to encourage better planned commercial projects. McKay wondered if we need a definition for "near".

KROUT felt it would be judged on a case-by-case basis.

MCKAY felt it was a pretty subjective term.

BISHOP asked about #5. What was the definition for local and residential streets and their use to access commercial sites?

JAMSHEED MEHTA, Planning staff, stated that the type of land use located along the road being used for access to the commercial project is the critical issue. If a non-arterial street services nonresidential uses, it may be appropriate to allow commercial traffic to use the local street to access a commercial district.

BISHOP felt the Commission needed a better access management policy. She also felt that there was a lack of trust on neighbors' part with respect to the Commission's ability to make planning decision on these issues without broader community design guidelines.

GAROFALO and **BARFIELD** noted similar concerns to **BISHOP'S**.

WARREN asked **KROUT** to comment on the concerns expressed by the representative from Maize.

KROUT noted that staff tries to keep up with adopted plans for all the small communities, and that Maize is still developing their plan. He noted that a "zoning area of influence" boundary is not necessarily a growth area boundary.

WARREN noted they have taken a year to get to this point in the process and felt they could spend another year debating the language contained in some of the policies.

WARREN moved **COULTER** seconded the motion to adopt the proposals as presented.

BISHOP moved **BARFIELD** seconded substitute motion to adopt all the recommendations as proposed, except for Number 6 dealing with auto sales lots.

BISHOP recommended that Number 6 should be changed to state "guide auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses to areas existing or planned containing similar uses and away from neighborhood commercial areas."

ANDERSON noted that they had just received written DAB comments; were they going to just ignore their comments?

JOHNSON noted that they review the plan every 12 months and DAB issues could be addressed then.

MICHAELIS indicated they would separate the auto sales lot issue from the rest of the recommendations and vote on the motion minus the auto sales language.

The motion carried 8-5 (**JOHNSON, WARREN, COULTER, HENTZEN** and **ANDERSON** opposed).

BISHOP moved **GAROFALO** seconded to change Number 6 to "guide auto sales lots and other types of infrequent purchase or non-neighborhood serving commercial uses to areas existing or planned containing similar uses and away from neighborhood commercial areas."

WARNER asked what a non-neighborhood serving use was?

BISHOP responded that they were uses that one didn't use everyday. One doesn't buy a car every day.

MARNELL indicated he would not support the motion; he supported the committee's initial recommendation.

WARREN indicated that he would also oppose the motion, and noted that in the past the courts have ordered car lot zoning in.

BARFIELD felt they needed restrictions on where car lots can be located, and not every car lot case is going to court.

KROUT noted that court had overturned only one case, but he felt that better language in the plan would support future denials if the case went to court.

WARREN felt that they put pretty tight restrictions on car lots when they were approved, and they had not approved every case.

KROUT noted that the Commission has approved all recent requests for car lots except for one.

BISHOP noted that she has heard people comment that the language is both too general and too specific and she felt it was important to help the neighborhoods so they would not have to fight these requests on a case-by case basis without benefit of an effective policy.

WARREN called for the vote on the motion.

The substitute motion failed 2-11 (**GAROFALO, BISHOP** in the minority).

MARNELL moved **WARREN** seconded to adopt changes to #6 as recommended by the Advance Plans Committee.

The vote on the motion was 10-3 to approve (**GAROFALO, BARFIELD, BISHOP** opposed).

ANDERSON expressed concern that the DAB recommendations had not been fully discussed. He would like to have received the DAB comments earlier.

MICHAELIS stated the DAB people have had the same opportunity to comment as people who spoke tonight.

The Metropolitan Area Planning Department informally adjourned at 7:55 p.m.

State of Kansas)
Sedgwick County) ss

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2001.

Marvin S. Krout, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)